IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

WP(C).No. 24402 of 2005(E)

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PETITIONER:

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A.M.SALIM, NATIONAL AUTO PARTS,
ATTINGAL.

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENTS:

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1. THE REGIONAL TRANSPORT AUTHORITY,
KOLLAM, REPRESENTED BY ITS SECRETARY.

2. THE REGIONAL TRANSPORT AUTHORITY,
THIRUVANANTHAPURAM. REPRESENTED BY ITS SECRETARY,
RURAL AT ATTINGAL.

3. THE SECRETARY, REGIONAL TRANSPORT
AUTHORITY, THIRUVANANTHAPURAM, (RURAL AT ATTINGAL)

4. THE DISTRICT TRANSPORT OFFICER,
K.S.R.T.C. KOLLAM.

R1 TO 3 BY G.P. SMT.SMITHA
R4 BY ADV. SRI.T.RAVIKUMAR, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE PROCEEDINGS OF R1 DT.2.4.2003.

P2: TRUE COPY OF THE ORDER OF STAT, ERNAKULAM IN MVARP NO.212/2003 DT. 31.8.2004.

P3: TRUE COPY OF THE 4 MONTHS TEMPORARY PERMIT APPLICATION SUBMITTED BY THE PETITIONER ON THE ROUTE PUNALUR-KOTTARAKKARI DT.7.10.2005.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.24402 of 2005

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Dated this the 21st day of February, 2007.

JUDGMENT

The petitioner is challenging the order of the STAT in revision confirming the RTA's decision declining concurrence for the renewal of permit. However, it is conceded in court that subsequent to the impugned orders, Government issued notification dated 9.5.2006 pursuant to direction issued by the Supreme Court entitling existing operators to continue service. In the circumstances, I feel matter needs to be reconsidered by RTA again based on Government Order abovereferred. The W.P. is therefore disposed of vacating the impugned orders of the STAT and RTA with direction to the first respondent to reconsider the matter in the light of the Government Order and take a decision within two months from the date of production of copy of this judgment, after hearing the petitioner.

C.N.RAMACHANDRAN NAIR
Judge

pms